

tion in the achievement of applicable national policy goals of the National Energy Policy Plan required under section 7321 of this title and the plan developed under section 5905 of this title.

(5) In addition, the Plan¹ shall—

(A) contain a detailed assessment of program needs, objectives, and priorities for each of the programs authorized under section 12005 of this title;

(B) use a uniform prioritization methodology to facilitate cost-benefit analyses of proposals in various program areas;

(C) establish milestones for setting forth specific technology transfer activities under each program area;

(D) include annual and five-year cost estimates for individual programs under this chapter; and

(E) identify program areas for which funding levels have been changed from the previous year's Plan.¹

(6) Within one year after October 24, 1992, the Secretary shall submit a revised management plan under this section to Congress. Thereafter, the Secretary shall submit a management plan every three years at the time of submittal of the President's annual budget submission to the Congress.

(c) Report on options

As part of the first report submitted under subsection (a) of this section, the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector with the timely commercialization of wind, photovoltaic, solar thermal, biofuels, hydrogen, solar buildings, ocean, geothermal, low-head hydro, and energy storage renewable energy technologies and energy efficiency technologies through emphasis on development and demonstration assistance to specific technologies in the research, development, and demonstration programs of the Department of Energy that are near commercial application.

(Pub. L. 101-218, §9, Dec. 11, 1989, 103 Stat. 1868; Pub. L. 102-486, title XII, §1202(c), (d)(5), title XXIII, §2303(b), Oct. 24, 1992, 106 Stat. 2959, 2960, 3093.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-486, §1202(d)(5), substituted “and projects” for “, projects, and joint ventures”.

Subsec. (b)(1). Pub. L. 102-486, §1202(c)(1), inserted “three-year” before “management plan”.

Subsec. (b)(4). Pub. L. 102-486, §2303(b), inserted before period at end “and the plan developed under section 5905 of this title”.

Subsec. (b)(5), (6). Pub. L. 102-486, §1202(c)(2), added pars. (5) and (6) and struck out former par. (5) which read as follows: “The plan shall accompany the President's annual budget submission to the Congress.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 12003 of this title.

§ 12007. No antitrust immunity or defenses

Nothing in this chapter shall be deemed to convey to any person, partnership, corporation,

or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, “antitrust laws” means those Acts set forth in section 12 of title 15.

(Pub. L. 101-218, §10, Dec. 11, 1989, 103 Stat. 1869.)

CHAPTER 126—EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

Sec.

12101. Findings and purpose.

(a) Findings.

(b) Purpose.

12102. Definitions.

SUBCHAPTER I—EMPLOYMENT

12111. Definitions.

12112. Discrimination.

(a) General rule.

(b) Construction.

(c) Covered entities in foreign countries.

(d) Medical examinations and inquiries.

12113. Defenses.

(a) In general.

(b) Qualification standards.

(c) Religious entities.

(d) List of infectious and communicable diseases.

12114. Illegal use of drugs and alcohol.

(a) Qualified individual with a disability.

(b) Rules of construction.

(c) Authority of covered entity.

(d) Drug testing.

(e) Transportation employees.

12115. Posting notices.

12116. Regulations.

12117. Enforcement.

(a) Powers, remedies, and procedures.

(b) Coordination.

SUBCHAPTER II—PUBLIC SERVICES

PART A—PROHIBITION AGAINST DISCRIMINATION AND OTHER GENERALLY APPLICABLE PROVISIONS

12131. Definitions.

12132. Discrimination.

12133. Enforcement.

12134. Regulations.

(a) In general.

(b) Relationship to other regulations.

(c) Standards.

PART B—ACTIONS APPLICABLE TO PUBLIC TRANSPORTATION PROVIDED BY PUBLIC ENTITIES CONSIDERED DISCRIMINATORY

SUBPART I—PUBLIC TRANSPORTATION OTHER THAN BY AIRCRAFT OR CERTAIN RAIL OPERATIONS

12141. Definitions.

12142. Public entities operating fixed route systems.

(a) Purchase and lease of new vehicles.

(b) Purchase and lease of used vehicles.

(c) Remanufactured vehicles.

12143. Paratransit as a complement to fixed route service.

(a) General rule.

(b) Issuance of regulations.

(c) Required contents of regulations.

(d) Review of plan.

(e) “Discrimination” defined.

(f) Statutory construction.

12144. Public entity operating a demand responsive system.

12145. Temporary relief where lifts are unavailable.

(a) Granting.

(b) Duration and notice to Congress.

(c) Fraudulent application.

12146. New facilities.

¹ So in original. Probably should not be capitalized.

- Sec.
12147. Alterations of existing facilities.
 (a) General rule.
 (b) Special rule for stations.
12148. Public transportation programs and activities in existing facilities and one car per train rule.
 (a) Public transportation programs and activities in existing facilities.
 (b) One car per train rule.
12149. Regulations.
 (a) In general.
 (b) Standards.
12150. Interim accessibility requirements.
- SUBPART II—PUBLIC TRANSPORTATION BY INTERCITY AND COMMUTER RAIL
12161. Definitions.
12162. Intercity and commuter rail actions considered discriminatory.
 (a) Intercity rail transportation.
 (b) Commuter rail transportation.
 (c) Used rail cars.
 (d) Remanufactured rail cars.
 (e) Stations.
12163. Conformance of accessibility standards.
12164. Regulations.
12165. Interim accessibility requirements.
 (a) Stations.
 (b) Rail passenger cars.

SUBCHAPTER III—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

12181. Definitions.
12182. Prohibition of discrimination by public accommodations.
 (a) General rule.
 (b) Construction.
12183. New construction and alterations in public accommodations and commercial facilities.
 (a) Application of term.
 (b) Elevator.
12184. Prohibition of discrimination in specified public transportation services provided by private entities.
 (a) General rule.
 (b) Construction.
 (c) Historical or antiquated cars.
12185. Study.
 (a) Purposes.
 (b) Contents.
 (c) Advisory committee.
 (d) Deadline.
 (e) Review.
12186. Regulations.
 (a) Transportation provisions.
 (b) Other provisions.
 (c) Consistency with ATCB guidelines.
 (d) Interim accessibility standards.
12187. Exemptions for private clubs and religious organizations.
12188. Enforcement.
 (a) In general.
 (b) Enforcement by Attorney General.
12189. Examinations and courses.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

12201. Construction.
 (a) In general.
 (b) Relationship to other laws.
 (c) Insurance.
 (d) Accommodations and services.
12202. State immunity.
12203. Prohibition against retaliation and coercion.
 (a) Retaliation.
 (b) Interference, coercion, or intimidation.
 (c) Remedies and procedures.
12204. Regulations by Architectural and Transportation Barriers Compliance Board.

- Sec.
 (a) Issuance of guidelines.
 (b) Contents of guidelines.
 (c) Qualified historic properties.
12205. Attorney's fees.
12206. Technical assistance.
 (a) Plan for assistance.
 (b) Agency and public assistance.
 (c) Implementation.
 (d) Grants and contracts.
 (e) Failure to receive assistance.
12207. Federal wilderness areas.
 (a) Study.
 (b) Submission of report.
 (c) Specific wilderness access.
12208. Transvestites.
12209. Instrumentalities of Congress.
12210. Illegal use of drugs.
 (a) In general.
 (b) Rules of construction.
 (c) Health and other services.
 (d) "Illegal use of drugs" defined.
12211. Definitions.
 (a) Homosexuality and bisexuality.
 (b) Certain conditions.
12212. Alternative means of dispute resolution.
12213. Severability.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 608, 1760, 6062 of this title; title 2 sections 1302, 1331, 1371, 1434; title 3 sections 402, 421; title 16 sections 410aaa–41, 410aaa–52; title 20 sections 1142, 1415, 8507; title 25 section 2005; title 26 section 44; title 29 sections 720, 721, 743, 761a, 762, 781, 793, 795g, 797a, 2211; title 49 sections 5307, 5314, 5323, 5335, 40117, 47102.

§ 12101. Findings and purpose

(a) Findings

The Congress finds that—

(1) some 43,000,000 Americans have one or more physical or mental disabilities, and this number is increasing as the population as a whole is growing older;

(2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;

(3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services;

(4) unlike individuals who have experienced discrimination on the basis of race, color, sex, national origin, religion, or age, individuals who have experienced discrimination on the basis of disability have often had no legal recourse to redress such discrimination;

(5) individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, over-protective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities;

(6) census data, national polls, and other studies have documented that people with dis-